

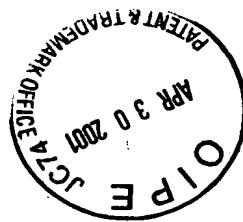
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PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b> 09/758,759 <b>Filing Date</b> January 11, 2001 <b>First Named Inventor</b> Hosted et al. <b>Group Art Unit</b> <b>Examiner Name</b>
<b>Total Number of Pages in This Submission</b> 401		<b>Attorney Docket Number</b> ID0983K

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below)</i>
<div style="border: 1px solid black; padding: 2px; height: 40px; margin-bottom: 5px;"></div> <b>Remarks</b>		
<b>ADDITIONAL ENCLOSURES:</b> Sequence Listing Paper Copy - 340 pages Sequence Listing Statement - 1 page Diskette - 1 Drawings - 55 pages		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Sandy S. Zaradic, Ph.D., Reg. No. 45,997		
Signature			
Date	April 26, 2001		

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: April 26, 2001

Typed or printed name	Sandy S. Zaradic, Ph.D.		
Signature			
Date	April 26, 2001		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT CASE: ID0983K US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: Hosted *et al.*: : Examiner: Unknown  
x  
Patent For: Everninomicin Biosynthetic : Group Art Unit: Unknown  
Genes x  
:  
Serial No.: 09/758,759 x  
:  
Filing date: January 11, 2001 x  
:  
-----x

April 26, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Response to Notice to File Corrected Application Papers**

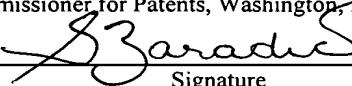
This is in response to the Notice to File Corrected Application Papers (Confirmation No. 9474) dated March 29, 2001, in the above-identified application. The 2-month deadline for response is May 29, 2001. Please charge any additional fees or credit any overpayment to Deposit Account No. 19-0365.

In response to the Notice, Applicants enclose the following:

- i) a copy of the Notice;
- ii) substitute drawing sheets 1-55 (Figures 1-12G),
- iii) a paper copy of the "Sequence Listing";
- iv) a computer readable form copy of the "Sequence Listing"; and
- v) a declaration stating that the content of the paper and computer readable copies are the same.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on this 26th day of April 2001.

April 26, 2001  
Date

  
Signature

Sandy S. Zaradic, Ph.D.  
Reg. No. 45,997

Please amend the subject application as follows:

IN THE DRAWINGS

Delete drawing sheets 1-55 (corresponding to Figures 1-12G) and insert the enclosed substitute drawing sheets 1-55 (corresponding to Figures 1-12G).

IN THE SPECIFICATION

After the Abstract, please insert the enclosed "Sequence Listing", pages 1-304.

REMARKS

The drawings have been amended to comply with 37 C.F.R. § 1.84.

Substitute drawing sheets 1-55 (corresponding to Figures 1-12G) which are believed to comply with 37 C.F.R. § 1.84 are submitted to replace current drawing sheets 1-55 (corresponding to Figures 1-12G).

In addition, the specification has been amended to comply with 37 C.F.R. § 1.821-1.825. A paper copy of the "Sequence Listing" which is believed to comply with 37 C.F.R. § 1.821-1.825 is submitted. In addition, a computer readable form of the "Sequence Listing" is submitted along with a Statement declaring that the information recorded on the diskette is identical to the paper copy.

No new matter has been added by these amendments. It is believed that the above amendments and submissions fulfill all requirements by the Examiner.

Respectfully submitted,



Sandy S. Zaradic  
Reg. No. 45,997  
Patent Agent  
(908) 298-7221

SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530  
Date: April 26, 2001



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/758,759	01/11/2001	Thomas J. Hosted	ID0983K

24265  
**SCHERING-PLOUGH CORPORATION**  
 PATENT DEPARTMENT (K-6-1, 1990)  
 2000 GALLOPING HILL ROAD  
 KENILWORTH, NJ 07033-0530



**CONFIRMATION NO. 9474**  
**FORMALITIES LETTER**



\*OC000000005917597\*

Date Mailed: 03/29/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

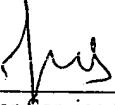
- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice MUST be returned with the reply.*

  
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE